

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:22-CR-49-FL

UNITED STATES OF AMERICA

v.

ELGIN HART,

Defendant.

ORDER

This matter comes before the court on Defendant's motion, filed *pro se*, seeking the issuance of subpoenas to North Carolina Attorney General Joshua H. Stein and Chief Justice Paul M. Newby for the purpose of a motion to suppress hearing. [DE-64]. Defendant submits the presence of these individuals is necessary for an adequate defense, and in support of the motion he cites 18 U.S.C § 2510(9)(b) and N.C. Gen. Stat. §§ 15A-297, 15A-291(a), (b), 15A-294(c), and 15A-287(g), all related to wire, oral, or electronic communications intercepts.

There is no suppression hearing scheduled in this case for which the individuals could be subpoenaed to appear. Defendant withdrew the previously filed motion to suppress, [DE-61], and if he chooses to file a new motion to suppress, the court in its discretion will determine whether a hearing is necessary, Local Crim. R. 47.1(f), E.D.N.C. Furthermore, it is not apparent how the cited statutes support Defendant's conclusory assertion that the presence of these individuals at a suppression hearing would be necessary for an adequate defense. Accordingly, because Defendant's motion is both premature and without merit, the motion is denied.

So ordered, this the 18 day of August, 2023.

  
Robert B. Jones, Jr.  
United States Magistrate Judge